

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Reallocation of Television Channels) ET Docket No. 97-157
60-69, the 746-806 MHz Band)

To: The Commission

COMMENTS OF MARANATHA BROADCASTING COMPANY, INC.

Maranatha Broadcasting Company, Inc. ("MBC"), licensee of independent UHF television station WFMZ-TV, Channel 69, Allentown, Pennsylvania, through counsel, hereby submits these comments concerning the FCC's *Notice of Proposed Rule Making*, FCC 97-245, released July 10, 1997 (the "*NPRM*"). In the *NPRM*, the FCC proposes to reallocate television channels 60-69 to the fixed and mobile services, and in particular to designate the spectrum from 794 MHz to 806 MHz, which includes Channel 69, for public safety use.

This proposal dovetails with the FCC's decision in the digital television proceeding to "recover" Channels 60-69 at the end of the transition from NTSC to digital television broadcasting, which the FCC anticipates will occur in 2006. *Sixth Report and Order* in MM Docket No. 87-268, released April 21, 1997. The *NPRM* observes (§ 2) that there are "only" 95 full service television stations currently authorized to operate on Channels 60-69, and only 15 DTV channel allotments, which appears to make the FCC's proposal less significant, *except* to those, like MBC, who must continue to operate in the reallocated spectrum through the transition period. For those stations, this proposed reallocation, and its impact on their operations for roughly the next ten years, is extremely significant.

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In the digital television proceeding, the FCC pledged that stations currently authorized to operate on Channels 60-69 will be fully protected. *Sixth Report and Order*, ¶ 80. This proceeding will determine whether that pledge has substance, or is hollow. The answer to that question turns on whether the FCC will allow stations currently operating on Channels 60-69 to improve their NTSC facilities, and their service to their viewers, during the transition period, or whether stations currently operating on those channels with less than maximum facilities, for so long as they continue to provide an NTSC service, will be condemned to a perpetual second-class existence.

Full protection of existing NTSC service on Channels 60-69 should include the opportunity to improve the facilities of existing stations. WFMZ-TV was originally authorized to operate with barely 225 kilowatts, effective radiated power; it is currently authorized to operate with an effective radiated power of 1,070 kW and, since May of last year, it has had a pending application (File No. BMPCT-960515KE) to increase power to 1,790 kW. The *NPRM* (¶ 21) raises the question “whether, or under what circumstances, we should continue to permit stations authorized on channels 60-69 to relocate transmitting antenna sites or to increase radiated power or antenna height up to the maximum values in the service.” The right answer to this question is that television stations should be allowed to increase power to maximum values in *all* circumstances, so long as they do not cause interference to *existing* land mobile operations.

The FCC can do this without significantly compromising its objective of providing additional spectrum for public safety land mobile services. WFMZ-TV’s situation in the Philadelphia market illustrates the situation well. WFMZ-TV, with its *existing* facilities, places a Grade B contour over the City of Philadelphia. So long as WFMZ-TV continues to operate on Channel 69, even with its existing facilities, Channel 69 will be unavailable for land mobile operations in the center of the

Philadelphia metropolitan area, where, presumptively, there is the largest potential need for additional public safety spectrum.¹ Even beyond its Grade B contour, WFMZ-TV's signal would cause interference to co-channel land mobile operations at a significant distance. The spectrum in which WFMZ-TV currently operates, and in which other Channel 60-69 stations operate, is simply not well-suited for immediate assignment to new land mobile licensees.

Limiting Channel 60-69 stations to their present facilities will not only yield little usable spectrum for public safety users but, also, will handicap those stations in the transition to DTV. The DTV transition period will require enormous investments in equipment and programming by all stations. To keep from being left far behind in the wake of their network-affiliated competitors, independent stations such as WFMZ-TV will need to extract every dollar potentially available from their NTSC operations, to subsidize the transition to DTV. Paradoxically, the capital requirements for DTV require these stations to invest in maximizing their NTSC facilities, to enhance the value of the NTSC product they can offer to advertisers and their ability to absorb losses from the transition to DTV.

Channel 69 stations such as WFMZ-TV, in particular, have been subject to requirements that have seriously inhibited their ability to approach the maximum permitted power (5,000 kW) for UHF stations. *See, e.g., Channel 14 and 69 Television Permittee's Obligations to Protect Existing Land Mobile Facilities on Adjacent Frequencies from Objectionable Interference*, Public Notice (Mimeo

¹ MBC is unaware of any pressing unmet need for additional public safety spectrum in the Philadelphia area. Operating on Channel 69, adjacent to spectrum reserved for public safety on Channel 70 and above, MBC, in connection with its currently-pending application and a previous application for additional power, has studied the potential for interference to land mobile operations on two separate equations. Neither study indicated the presence of any congestion in the immediately adjacent land mobile spectrum.

2526, March 1, 1982)(applications to increase power granted only where the applicant agrees to provide protection against objectionable interference); *Report and Order* in MM Docket No. 87-465, 6 FCC Rcd 5148(1991)(adopting Section 73.687(e)(3) and (4) of the Rules). In one case, a Channel 69 station was ordered to pay for the relocation of land mobile operations to higher frequencies. *Broadcast Corp. of Georgia*, 96 FCC 2d 901 (1984).

For that reason, MBC chose to increase the power of WFMZ-TV in phases, moving forward to the next phase only after establishing, with confidence, that the previous power increase did not result in interference to adjacent channel land mobile radio operations. Thus, WFMZ-TV is currently authorized to operate with significantly less than the maximum power permitted for other UHF stations.

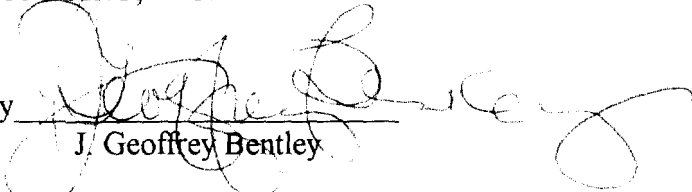
If the FCC does not permit WFMZ-TV and other Channel 60-69 stations to increase power up to the maximum currently allowed for UHF stations, it will condemn these NTSC operations to second-class status throughout the transition to digital television and, also, undercut the ability of those stations to achieve competitive parity in their DTV operations. At the same time, the FCC will gain little, if any, useful additional spectrum for land mobile public safety operations. Because the transition to DTV would be hindered, and there would be little if any gain for land mobile, the policy

choice is clear: the FCC should continue to accept, process and grant applications by Channel 60-69 television stations (subject to the provisions of Section 73.687(e)) to increase power up to a maximum of 5,000 kW.

Respectfully submitted,

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